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REMARKS**STATUS OF THE CLAIMS**

Following entry of this Amendment, claims 21, 23, and 25-27 will be pending. Claims 21, 23, and 25-27 have been amended.

Applicants request that the present amendments be entered as the amendments place the claims in condition for allowance or in better form for consideration on appeal.

I. REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner has rejected claims 21, 23, and 25-27 under 35 U.S.C. § 102(b) as allegedly being anticipated by SEQ ID NO: 25, and the general disclosure of TrpE fusion protein fragments in Harpold et al. (US 5,429,921).

Applicants respectfully maintain that claims 21, 23, and 25-27, as amended, are not anticipated by Harpold et al. Claims 21, if the current amendment is entered, would recite:

21. (Currently amended): A purified or isolated recombinant polypeptide consisting of a secreted soluble $\alpha_2\delta$ -1 subunit polypeptide and a tag, wherein the amino acid sequence of said secreted soluble $\alpha_2\delta$ -1 polypeptide consists of an amino acid sequence selected from the group consisting of SEQ ID NO:15; SEQ ID NO:16; and SEQ ID NO: 17.

Thus claim 21, as amended, claims a recombinant polypeptide that consists of a secreted soluble $\alpha_2\delta$ -1 polypeptide and a tag. Claim 21 recites the closed claim phrase "consisting of" with regard to the tag and the recombinant secreted soluble $\alpha_2\delta$ -1 polypeptide and the closed claim phrase "consists of" in relation to the amino acid sequence of the secreted soluble $\alpha_2\delta$ -1 polypeptide itself. SEQ ID NO:25 of Harpold et al. is an amino acid sequence of 1091 amino acids (see col. 141- middle of cols. 147-148). The amino acid sequences of SEQ ID NOS: 15, 16, and 17, however, are each shorter than 1091 amino acids; SEQ ID NOS: 15, 16, and 17 are 1018, 1036, and 1063 amino acids long, respectively. As the 1091 amino acid sequence of SEQ ID NO: 25 of Harpold et al. is longer than SEQ ID NO: 15, 16, or 17, Harpold et al. fail to disclose all of the limitations of the claim 21. Accordingly, Applicants respectfully request that the

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rejection under 35 U.S.C. § 102(b) be withdrawn with regard to claim 21.

Claims 23, and 25-27, as amended, recite the closed claim phrase "consisting of" with regard to the recombinant secreted soluble $\alpha_2\delta$ -1 polypeptide and the closed claim phrase "consists of" in relation to the amino acid sequence of the secreted soluble $\alpha_2\delta$ -1 polypeptide (e.g., SEQ ID NO: 15, 16, or 17). SEQ ID NO:25 of Harpold et al. is an amino acid sequence of 1091 amino acids (see col. 141- middle of cols. 147-148). The amino acid sequences of SEQ ID NOS: 15, 16, and 17, however, are each shorter than 1091 amino acids; SEQ ID NOS: 15, 16, and 17 are 1018, 1036, and 1063 amino acids long, respectively. As the 1091 amino acid sequence of SEQ ID NO: 25 of Harpold et al. is longer than SEQ ID NO: 15, 16, or 17, Harpold et al. fail to disclose all of the limitations of the claims 23, 25, 26, and/or 27. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn with regard to claims 23, and 25-27.


CONCLUSION

In view of the foregoing remarks and amendments, Applicants believe all claims now pending in this Application are in condition for allowance.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2095.

Respectfully submitted,

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